

3. Defendant Targa Resources LLC is a foreign limited liability company doing business in Texas. Defendant may be served through its registered agent: C T Corporation System, 1999 Bryan St., Suite 900, Dallas, TX 75201.

4. Defendant TPC Group Inc. is a foreign corporation doing business in Texas. Defendant may be served through its registered agent: C T Corporation System, 1999 Bryan St., Suite 900, Dallas, TX 75201.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action based on diversity jurisdiction; that is, Plaintiff seeks in excess of \$75,000 exclusive of interest and costs, and Plaintiff and Defendants are residents of different states.

6. This Court has personal jurisdiction over Defendants because Defendants conduct systematic and continuous business activities in and throughout the state of Texas and this District. Furthermore, at least one Defendant is headquartered here. Venue is properly laid in this District as it is where the incident occurred.

FACTUAL BACKGROUND

7. Plaintiff Charles Hamilton was working as an employee of SGS North America.

8. On or about January 24, 2015, Plaintiff was working on the barge Cherokee, which was owned by Defendants Targa Transport LLC and Targa Resources LLC (referred to herein as “Targa” or “Targa Defendants”).

9. The barge was docked at a facility owned and operated by Defendant TPC Group Inc. (referred to herein as “TPC”).

10. On the day of the incident, Plaintiff was performing his tankerman duties and loading Targa’s barge up with liquid C4.

11. As Plaintiff was coming down the stairs from the digital gauging station on the barge to the deck, he slipped and fell due to frost on the deck, hitting his head.

12. Defendants failed to ensure there was proper non-skid and precautionary measures in place on the barge. Defendants failed to ensure there was sufficient lighting—on the barge itself and/or on the dock—for those doing work on the barge. Defendants also failed to ensure there were a dockman or dockmen properly monitoring conditions.

13. As a result of the incident, Plaintiff suffered severe injuries to his body, including his head, neck and back. Plaintiff has suffered and will continue to suffer damages, and brings this suit to recover such damages.

14. Plaintiff’s injuries were caused in whole or in part by the negligence of the Defendants, its agents, servants and/or employees.

CLAIMS FOR RELIEF

NEGLIGENCE (TARGA AND TPC)

15. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as though fully set forth herein.

16. Defendants owed Plaintiff the duty of reasonable care as a visitor to the facility and vessel.

17. Defendants failed to ensure the barge had sufficient non-skid or other precautionary measures installed and in place on the barge. Defendant failed to ensure there were adequate personnel to assist in monitoring conditions on site.

18. Defendants failed to provide a reasonably safe place to work. Despite the weather conditions, Defendants wanted the work to proceed. Defendants took no steps to ensure the work area was safe, and would remain safe, for Plaintiff. Defendants failed to ensure the dock and the barge had sufficient lighting for work on the barge.

19. Defendants failed in their duties to the Plaintiff. The breach by Defendants was the producing cause, or the proximate cause, of Plaintiff's injuries.

GROSS NEGLIGENCE

20. Plaintiff repeats and re-alleges the allegations of the preceding paragraphs as though fully set forth herein.

21. Defendants' conduct was willful, reckless, wanton, and/or malicious. At a minimum, Defendants' acts and omissions, when viewed objectively, involved an extreme degree of risk, considering the probability and magnitude of the potential harm. And, due to their subjective awareness of the extreme risk, Defendants exhibited a conscious indifference to the rights, safety or welfare of others. Plaintiff thus seeks exemplary damages, along with all other damages allowed by applicable law.

JURY DEMAND

22. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

23. Plaintiff demands judgment in their favor against Defendant, including: compensatory damages to include those for past and future economic loss; past and future mental anguish; past and future pain and suffering; past and future bodily impairment and disfigurement; and past and future medical expenses in an amount to be determined by the trier of fact as provided by law and supported by the evidence at trial. Plaintiff also seeks costs of suit, as well as any further relief as this Court deems just and proper.

Respectfully submitted,

THE BUZBEE LAW FIRM

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